

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IRISHA SHALLE RICHARDSON,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

Case No. C13-373RSL

ORDER GRANTING MOTION  
FOR WAIVER AND  
ADDITIONAL TIME AND  
GRANTING IN PART  
MOTION FOR COUNSEL

This matter comes before the Court on the government's "Second Motion Regarding Waiver of Attorney-Client Privilege and Requesting Additional Time to Answer Petitioner's 28 U.S.C. § 2255 Motion" (Dkt. # 12) and "Defense Counsel's Motion Regarding Appointment of Counsel for Petitioner" (Dkt. # 14), filed by Michele Shaw, Petitioner's former counsel.

On August 12, 2011, Petitioner pled guilty to one count of conspiracy to import N-benzylpiperazine in violation of 21 U.S.C. §§ 952(a), 960(a)(1), 960 (b)(3) and 963. CR 46, 49.<sup>1</sup> On March 2, 2012, Petitioner was sentenced to 78 months of imprisonment followed by three years of supervised release. CR 116. Michelle Shaw represented

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<sup>1</sup> "CR" refers to docket entries in the underlying criminal case, CR11-246-RSL. "Dkt." refers to docket entries in Petitioner's § 2255 case.

1 Petitioner in that criminal case. On March 1, 2013, Petitioner filed a motion under 28  
2 U.S.C. § 2255 to vacate, set aside, or correct her sentence. Dkt. # 1. In her motion,  
3 Plaintiff alleges, among other claims, that she received ineffective assistance of counsel  
4 during the sentencing proceedings. Id. at 4.

5 On June 13, 2013, the Court found that by raising a claim of ineffective  
6 assistance of counsel, Petitioner has waived the attorney-client privilege. Dkt. # 11.  
7 The Court therefore authorized Ms. Shaw to provide evidence related to her  
8 representation of Petitioner in the form of an affidavit, live testimony, and documents  
9 and records related to her representation of Petitioner. Id. at 1.

10 Despite this Court's earlier order, Ms. Shaw has declined to participate in any  
11 interviews with the government and she has not produced any documents. The  
12 government now seeks an order directing Ms. Shaw to speak with the government about  
13 her representation and Ms. Shaw requests that the Court appoint independent counsel to  
14 advise Petitioner regarding the scope of the waiver of the attorney-client privilege.

15 Having considered the parties' memoranda, supporting documents, and the  
16 remainder of the record, the Court GRANTS the government's motion and GRANTS IN  
17 PART Ms. Shaw's motion for counsel. Ms. Shaw is hereby ORDERED to participate in  
18 an interview with the government and counsel for Petitioner must be present for the  
19 interview. The questioning during the interview shall be limited to the issue raised by  
20 Petitioner: Ms. Shaw's representation and preparation for the sentencing hearing. David  
21 Bukey is hereby APPOINTED for a limited appearance in this matter for purposes of the  
22 interview of Ms. Shaw only. Mr. Bukey shall be present during the interview of Ms.  
23 Shaw to protect Petitioner's interests and to ensure that the questioning does not extend  
24 beyond the issues raised in Petitioner's § 2255 motion. The parties must check with the  
25 Court before scheduling the interview to ensure that the Court will be available on a

1 standby basis during the interview.

2 The government's request for additional time to respond to Petitioner's §2255  
3 motion is GRANTED. The government shall file its Answer to Petitioner's motion  
4 within 30 days following the date of the interview of Ms. Shaw.

5 For all of the foregoing reasons, the Court GRANTS the government's motion  
6 regarding waiver of attorney-client privilege and additional time (Dkt. # 12) and  
7 GRANTS IN PART counsel's motion regarding appointment of counsel for Petitioner  
8 (Dkt. # 14).

9 DATED this 17th day of October, 2013.

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12 Robert S. Lasnik  
13 United States District Judge  
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